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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of power and providence, we begin this day of work in the Senate with Your assurance: "I will not leave you nor forsake you. Be strong and of good courage."—Joshua 1:5-6. You have chosen to be our God and elected us to be Your servants. You are the Sovereign Lord of this Nation and have destined us to be a land of righteousness, justice, and freedom. Your glory fills this historic chamber. Today has challenges and decisions that will test our knowledge and experience. We dare not trust in our own understanding. In the quiet of this moment, fill our inner wells with Your Spirit. Our deepest desire is to live today for Your glory and by Your grace.

We praise You that it is Your desire to give good gifts to those who ask You. You give strength and courage when we seek You above anything else. You guide the humble and teach them Your way. We open our minds to receive Your inspiration. Astound us with new insight and fresh ideas we would not conceive without Your blessing.

Help us to maintain unity in the midst of differing solutions to the problems that we must address together. Guide our decisions. When the debate is ended and votes are counted, enable us to press on to the work ahead of us with unity. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. MACK. Mr. President, this morning, the Senate will begin a period for the transaction of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the tobacco bill with a Gorton amendment pending regarding attorneys' fees. It is expected that a time agreement will be reached with respect to the Gorton amendment, with a vote occurring on, or in relation to, the amendment this afternoon. Following disposition of the Gorton amendment, it is hoped that further amendments will be offered and debated during today's session. Therefore, rollcall votes are possible throughout today's session as the Senate continues to make progress on the tobacco bill.

As a final reminder to all Members, the official photo of the 105th Congress will be taken today at 2:15 p.m. in the Senate Chamber. All Senators are asked to be in the Chamber and seated at their desks immediately following the weekly party luncheons. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the distinguished Senator from Florida, Mr. MACK, is recognized to speak for up to 15 minutes.

Mr. MACK. Mr. President, thank you.

INDIA-CHINA

Mr. MACK. Mr. President, I rise today to express my concern with the handling of United States foreign policy on the eve of President Clinton's second summit with the People's Republic of China. American foreign policy should promote freedom, democracy, respect for human dignity, and the rule of law. It is hard for me to imagine that the President would reward inappropriate actions by the Chinese Communist Party leaders while simultaneously sanctioning the democratic leaders in India.

Over India's 50-year history, U.S. relations have been hot and cold. But we cannot deny the reality that today, India is the largest democracy in the world. India recently held the largest democratic elections in the history of the world. And democracy is more than just a word. We have a common bond with the Indian people based upon a commitment to democracy, freedom, and the rule of law. They are a people who have struggled for freedom from a colonial power in order to gain independence. We share that struggle in our histories.

India has many friends in the United States, and many Americans proudly claim Indian heritage. But our relationship with India has been neglected, and unfortunately, we find ourselves in a difficult bind. Due to India's recent decision to detonate nuclear devices on May 11 and May 13, we have instituted sanctions. I deeply regret the circumstances regarding India's decision to detonate nuclear devices. But the increased instability has been caused by China's proliferation policies, a U.S. foreign policy which favors China over India, and the licensing of technologies by the United States which enhances China's military capabilities.

Let me review some of the facts.

India has broken no international laws or agreements by choosing to test nuclear devices.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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India is not a known proliferator of weapons or weapons technology.

India's 50-year history demonstrates peaceful intent exercised within a democratic society.

India has been a nuclear power since it conducted its first nuclear tests in 1974; this status did not change with last month's tests.

Although not at war, India's borders are considered "hot spots" for several reasons.

Since independence in 1947, India and Pakistan have been disputing borders.

Also since independence, India has understood the importance of good relations with China for its own security.

Relations were clouded by China's occupation in 1950 of Tibet, which had been independent until then and served as a stable buffer between the two countries. This occupation brought Chinese expansion to India's border.

India sought renewed cooperative relations on the basis of a policy that recognized Tibet's genuine autonomy under Chinese sovereignty in order to maintain a buffer between India and China.

Relations completely changed, however, following China's military buildup in Tibet beginning in 1956 and 1957. During this period, China began the systematic oppression of Tibetan religion and culture, forcing the mass migration of Tibetans. The Dalai Lama and thousands of Tibetans were given refuge in India in 1959. After forty years, the Tibetan oppression continues, the military occupation of Tibet continues, and nearly 200,000 Tibetans remain in India.

Between 1957 and 1962, India's relations with China were marred by Beijing's huge territorial claims amounting to 50,000 square miles, and its illegal use of force to occupy 15,000 square miles of that claimed area.

Indian attempts to reach a border settlement through negotiations with China failed in 1961, and its attempts to prevent further Chinese encroachment into Indian territory was met by a massive Chinese invasion in 1962.

To this day, China continues to occupy 15,000 square miles of Indian territory in Ladakh and it claims sovereignty over the entire 35,000 square miles of India's Northeastern most province [Arunachal Pradesh]. This source of tension and deep concern has not been removed despite several rounds of Sino-Indian diplomatic negotiations to resolve the border dispute since 1981.

China conducted its first nuclear test in October 1964, within 2 years of the outbreak of the Sino-Indian War. In 1966, China tested its first medium range ballistic missile, and tested again in 1970.

India decided to develop its nuclear weapons program in 1970. It conducted its first tests, declaring its capability to the world, in 1974.

India did not join the Nuclear Non-proliferation Treaty—known as the "NPT"—in 1968 because the treaty

sought to ensure an arms control system that would allow the five powers alone—China, France, the United Kingdom, Russia, and the United States—to possess nuclear weapons. That meant that China, the internally oppressive and undemocratic occupying force on India's border, would be permitted to have nuclear weapons while India, fearful and insecure, would be denied any recourse to such weapons.

India has not signed the Comprehensive Test Ban Treaty because the treaty seeks to prevent India from conducting further tests without limiting China's ability to do the same. Like the NPT, India refuses to join this treaty as a nonnuclear power unless China and the other powers agree to disarm.

Between 1974 and 1998, India experienced sanctions by the United States on nuclear energy, space, computer, and other technologies.

Following India's first nuclear tests in 1974, it did not conduct further tests, until now.

India has not been a proliferator of nuclear weapons and missiles but China, a nuclear power, has proliferated.

Some estimates indicate 90 percent of China's weapons sales go to states which border India. Of particular concern is Chinese proliferation of such weapons and technologies to Pakistan.

Between 1974 and 1998, India has tried to break through the difficulties with China and Pakistan. India had not conducted any further tests, even though China had. India had not illegally proliferated weapons—China had. But India has been denied the same nuclear and technical cooperation which we have accorded to the PRC.

India's commercial electricity needs are among the largest in the world, similar to China's. We have recently signed a nuclear cooperation agreement with the PRC, but maintain restrictions on nuclear power agreements with India.

India's testing in 1974 and in 1998, again, violated no agreements. North Korea expelled international inspectors in 1993, in direct violation of the NPT. We "rewarded" the brutal dictatorship in North Korea with a classic appeasement plan—free fuel oil and \$4 billion worth of the top of the line nuclear reactors in exchange for their promises to do what they didn't do under an internationally binding agreement.

China may be too preoccupied today to directly threaten India, but they need only employ Pakistan as a surrogate belligerent to jeopardize India's security.

Mr. President, the United States is helping the largest single-party authoritarian government in the world suppress the development of the largest democracy in the world. I submit that China's behavior against students on Tiananmen Square, resistance to freedom and democratic reforms, abysmal human rights record, and dangerous and irresponsible proliferation activi-

ties deserve America's scorn more than India's legal actions taken in defense of its own national interests. There is something inherently wrong with sanctioning a democracy legally acting in its perceived national interests while rewarding a single party communist state which threatens regional security in violation of international law.

India watched carefully as the United States has led the world in a policy of engagement with China. From the U.S.-China relationship, India has learned some important lessons. First, look at the rationale the U.S. gives for its policy toward China. We must "engage" with China because it is the most populous country, an enormous potential market, a major trading nation, a member of the permanent five at the United Nations Security Council, and China is a nuclear power with a modernizing military. With these qualifications China has been able to get top priority and attention from U.S. Government and business leaders. In spite of posing a potential threat to the United States and being among the world's worst human rights violators, China gets the perks of enormously favorable trade and investment flows and top level diplomatic treatment, including presidential visits, while India gets sanctioned. This makes no sense—it is strange—and it's just wrong.

The United States largely overlooks India despite its 950 million people, its democratic government, and the largest middle class in the world. Demographers predict that India's population will surpass that of China sometime during the next century. Thus, the only attribute India lacks when compared with its sometimes-aggressive neighbor, in this administration's definition of importance, is acceptance into the "nuclear club." The message sent by the Clinton foreign policy team has encouraged India to conclude the most effective way to ensure its interests are protected from an increasingly powerful Asian superpower, and garner greater diplomatic and commercial attention from the West, is to remind the world of its nuclear deterrent capability.

What lessons are we to learn? First, the United States should be more cautious with our definition of "engagement." By overlooking China's proliferation activities—not imposing sanctions when required by law—we are rewarding the wrong behavior. Second, understanding that India considered its security environment to be precarious enough to risk global condemnation and economic sanctions, the U.S. should take a closer look to assess whether India's fears and actions were justified. And finally, we must base our foreign policies upon the principles of freedom, democracy, respect for human dignity, and the rule of law. We must look to our friends first in this endeavor, and work together to "engage" those who would oppose freedom in the world. India, along with Japan, Korea, the Philippines, and other Asian democracies should form the foundation

from which our engagement in Asia begins. Working with the democracies of the world, we should engage China and bring the 1.2 billion Chinese people into the community of free nations.

A foreign policy devoid of principle has led us to the point where we are rewarding dictators and punishing democracies. The President's visit to China this month represents another opportunity to define the United States' role in the world. The President must clearly articulate which behavior deserves praise, and which does not. He must demonstrate strong leadership on behalf of the American people. We must all understand, the behavior which the United States rewards is likely to be the behavior we will see more of in the future.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. I ask unanimous consent to speak for up to 8 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE TOBACCO BILL

Mr. BINGAMAN. Mr. President, let me just say a few words about the tobacco bill which we have been on here for a couple, 3 weeks now in the Senate.

In my opinion, this tobacco bill is a historic piece of legislation. And I have complimented personally the Senator from Arizona, Senator MCCAIN, for his leadership in the Commerce Committee and here on the Senate floor in bringing this bill here and pushing for its enactment. I believe very strongly that when historians look back on the 105th Congress and ask, What did the 105th Congress accomplish? if we are able to pass tobacco legislation, significant tobacco legislation, that will be the single item they will point to as a substantial and major accomplishment by this Congress. So the time we are spending on this tobacco bill is time well spent.

I firmly believe that since I have been here in the Senate—and I have been here now nearly 16 years—during that time there has been a dramatic change in public opinion on the issue of smoking and tobacco use in this country, particularly on the issue of young people beginning to smoke.

What I see this legislation as is an effort to bring our public policy into line with our public opinion, because public opinion has changed dramatically. Our public policy has not changed to the same extent, and we need to get on with the business of changing public policy to mirror and reflect what the American people want to see done. That is why the legislation is so important.

We have spent many hours discussing this legislation. We have had several amendments offered and debated, and several adopted. I think all of that is to the good. And I think anyone who has watched the Senate operate for any period of time would have to acknowledge that, although we have spent substantial time on the tobacco bill, so far we have not seen a concerted effort by the leadership to bring this issue to a close, to bring the debate to a close, to get a defined list of amendments that need to be concluded before we can finish the bill and move on to another item.

So, clearly, that is our agenda for this week. I believe very strongly we can finish this bill this week, or certainly if not this week, we can finish it next week. We owe it to the American people to do that.

I know there are others in the Senate who have different opinions on that. We have heard a lot of public statements over the recent weeks and months about how this bill is dead and how the bill is dead on arrival. And I have thought, if I had a dollar for every statement that has been uttered about how this bill is dead, I would be a rich man today. Mark Twain was famous for his statement that the news reports of his demise were exaggerated. And I think that the news reports about this bill being dead are exaggerated as well.

I think there is ample support here in the Senate to pass this bill. There is ample support in this Senate to pass a strong bill, to send it to conference, and I hope that there is support in the House of Representatives to do the same thing. Time will tell whether that turns out to be the case.

So I believe very strongly we need to go ahead and get a cloture motion filed again. I hope Senator MCCAIN, the lead sponsor of the bill, will take that initiative. I think we need to get a defined list of amendments that still need consideration once that cloture motion is completed, and then we need to go ahead and conclude action on the bill.

I believe the best thing we can do for the American people before the Fourth of July break—and the Fourth of July break will begin the Friday after this Friday—the most important thing we can do for the American people is, prior to that date, going ahead and passing this historic legislation and sending it to conference.

I urge the majority leader to use the power of his position, which is substantial, to move the bill forward. I compliment all my colleagues who have voted for cloture in the previous efforts to bring closure to the debate and to get a limited list of amendments for further consideration. But I urge everyone, this week, to vote for cloture. I hope we can get that done. I hope we can pass a bill with a strong bipartisan vote and send it to conference. I think the American people will thank us for that action, and we owe that to them.

Mr. DORGAN. I wonder if the Senator from New Mexico would yield?

Mr. BINGAMAN. I am happy to yield to my colleague from North Dakota.

Mr. DORGAN. Mr. President, the Senator from New Mexico makes a point that I feel strongly about. If we don't finish this product now, if we don't get a tobacco bill completed in the Senate, in my judgment, we probably will never get it done.

We have come a long, long ways. We are, I think, close. I don't think there is any question but if the tobacco bill were voted on by the full Senate, it would pass. I don't think there is much question about that.

There are some in the Senate, however, who are intent on trying to kill the legislation. So we have been tied up here in legislative knots, going through some amendments, but going through a process that has led some to conclude that maybe this bill ought to get pulled, maybe we ought to go to something else.

I ask the Senator from New Mexico, as it was stated this weekend by the majority leader that perhaps we have to move to some other legislation, is it the belief of the Senator from New Mexico that if we don't get this bill completed now, it is likely we will never get this piece of legislation?

Mr. BINGAMAN. Mr. President, I respond to the question by just saying I believe we have this week and we have next week. There is no more important activity we can commit that time to than completing action on this bill. I think the momentum for moving ahead on the bill will be lost if we don't get it done before we break for the Fourth of July recess.

Clearly, the notion of giving up on this and moving to another piece of legislation—I don't know of any other piece of legislation that is so urgent or so important that it would justify going off of this bill. I am not aware of anything on the Senate's schedule that would justify that action.

Mr. DORGAN. Mr. President, if the Senator would yield further, I point out that I, and I think a number of others in this Chamber, would resist strongly an attempt to move to some other piece of legislation. That would require a motion to proceed, which obviously some of us would resist strenuously. We think it is important to finish this bill.

I think that some have missed the point. You go through this process and have a debate. Some have missed the point. The point here is about trying to prevent children from smoking in this country and trying to prevent the tobacco industry from targeting kids with their tobacco products. That is not rocket science. We can do that.

The piece of legislation that is before the Senate is a good piece of legislation which has a series of things in it which are very important—smoking cessation programs, counteradvertising programs, prohibitions against advertising in ways that will target children, getting rid of vending machines in areas where children have access to